

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:

STEVEN DAVID JAROS

Debtor(s)

)
) Case No. 15 B 35330
) Chapter 13
)
) Judge Bruce W. Black

NOTICE OF MOTION

To: James J Haller, Esq., Sulaiman Law Group, Ltd., 900 Jorie Boulevard, Suite 150,
Oak Brook, IL - by electronic notice through ECF
Steven David Jaros, 922 Homestead Drive, Yorkville, IL 60560
Glenn B Stearns, Trustee, 801 Warrenville Road, Suite 650, Lisle, IL 60532 - by
electronic notice through ECF

PLEASE TAKE NOTICE that on **June 17, 2016** at **10:00 a.m** or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Bruce W. Black at Joliet City Hall, 150 West Jefferson Street, 2nd Floor, Joliet, IL 60432 or in his absence, before any other judge who may be sitting in his place or stead, and shall then and there move this court pursuant to the attached Motion to Allow Costs of Collection, at which time and place you may appear. A copy of said Motion is attached hereto and herewith served upon you.

HEARTLAND RESIDENTIAL COMMUNITY
ASSOCIATION

/s/ Ronald J. Kapustka
By: Ronald J. Kapustka

Certificate of Service

The undersigned certifies that he caused a copy of the foregoing Notice and Motion to Allow Costs of Collection to be served upon the above named parties by depositing the same in the U.S. Mail, postage pre-paid, before the hour of 5:00 pm on June 9, 2016.

/s/ Ronald J. Kapustka

Ronald J. Kapustka
Kovitz Shifrin Nesbit
175 North Archer Ave., Mundelein, IL 60060
Tel. (847) 537-0500 / Fax (847) 537-0550
rkapustka@ksnlaw.com; ndaily@ksnlaw.com
ARDC No. 6203095
KSN FILE (CHEA006-61007)

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

CHEA006:610072819691.1

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IN RE:

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MOTION TO ALLOW COSTS OF COLLECTION

HEARTLAND RESIDENTIAL COMMUNITY ASSOCIATION, a secured creditor herein, by and through its attorneys, Ronald J. Kapustka of Kovitz Shifrin Nesbit, and moves this Honorable Court for an Order allowing the Costs of Collection to be paid pursuant to the Debtor's confirmed Chapter 13 plan as reasonable costs of collection and in support thereof, states as follows:

1. The above captioned Chapter 13 case was filed on October 16, 2015 and the Debtor's plan was confirmed on April 8, 2016.

2. Heartland Residential Community Association is incorporated under the laws of the State of Illinois as a non-for-profit corporation and is charged with the authority to administer the subject premises pursuant to the Declaration of for the Association (hereinafter referred to as "Declaration"), duly recorded with the office of the Recorder of Deeds;

3. Debtor(s) are the legal owners of the property commonly known as 922 Homestead Drive, Yorkville, Illinois which is subject to the terms and conditions of the Declaration.

4. The Declaration gives the Association the right to collect assessments from owners such as the Debtors herein and to maintain forcible entry and detainer actions and to recover attorneys' fees and costs from owners who fail to stay current on their assessments. Unpaid assessments are a lien on the property pursuant to the terms of the Declaration.

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5. The costs of collection incurred by Heartland Residential Community Association are secured pursuant to the terms of the Declaration;

6. Under the terms of the Debtor(s) confirmed plan, Heartland Residential Community Association costs of collection may be added to its cure amount set forth in paragraph E(3.1)(a) of the Debtor's confirmed Plan on the motion of Heartland Residential Community Association;

7. As of this date, Heartland Residential Community Association has incurred the following post-petition attorney's fees not already provided in Plan paragraph E(3.1)(a) as relating to representing Heartland Residential Community Association interests in this case:

- (a) March 10, 2016 – \$97.50 Preparation of letter to Association advising of bankruptcy filing and providing direction as to how the account should be handled while the bankruptcy is pending;
- (b) March 15, 2016 – \$395.00 Request account ledger from management going back to a \$0.00 balance; prepare and file Proof of Claim on behalf of the Association; this is a flat fee which includes future monitoring and processing of all future trustee payments; forwarding payments to the Association with direction as to how payments should be applied to Debtor(s) account; Review of all notices for the pendency of the bankruptcy case and continuous monitoring of the bankruptcy file through completion of the bankruptcy case;
- (c) March 15, 2016 – \$97.50 Preparation of letter to Debtor's counsel requesting the Plan be amended to adequately provide payment in full of the Association's secured, pre-petition claim and providing a copy of the Association's Proof of Claim.

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WHEREFORE, your Movant, Heartland Residential Community Association prays for an Order Allowing the post petition costs of collection to be added to the arrears amount in the Debtor's confirmed plan and for such other relief as this Court deems just.

HEARTLAND RESIDENTIAL COMMUNITY
ASSOCIATION

By: /s/ Ronald J. Kapustka
Ronald J. Kapustka

Ronald J. Kapustka
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